

## COASTAL CONSERVANCY

Staff Recommendation

June 5, 2008

### BACHOFER AND WATSON ACQUISITIONS

File No. 08-033-01

Project Manager: Su Corbaley

**RECOMMENDED ACTION:** Authorization to disburse up to \$225,000 to the Friends of the Dunes Land Trust to acquire the approximately 44-acre Bachofer property, and the approximately 9-acre Watson property, on the North Spit of Humboldt Bay for the purposes of public access and habitat protection.

**LOCATION:** Manila, Humboldt County (Exhibit 1)

**PROGRAM CATEGORY:** Public Access

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#### **EXHIBITS**

Exhibit 1: [Project Location and Site Map](#)

Exhibit 2: [Site Photographs](#)

Exhibit 3: [Letters of Support](#)

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#### **RESOLUTION AND FINDINGS:**

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31400 *et seq.* of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed two hundred twenty five thousand dollars (\$225,000) to Friends of the Dunes Land Trust (“FOD”) toward the acquisitions of the Bachofer and Watson properties in the town of Manila, Humboldt County (Humboldt County Assessor’s Parcel Nos. 506-111-004, and 506-111-013, respectively), depicted in Exhibit 1 to the accompanying staff recommendation. This authorization is subject to the following conditions:

1. Prior to the disbursement of Conservancy funds for each acquisition, FOD shall submit for review and written approval of the Executive Officer of the Conservancy (“the Executive Officer”) all relevant acquisition documents, including but not limited to, appraisals, agreements of purchase and sale, escrow instructions and documents of title necessary to the acquisition of the properties.

2. FOD shall pay no more than fair market value for the property as established in an appraisal approved by the Executive Officer.
3. Conservancy funding shall be acknowledged by erecting and maintaining on the properties a sign or signs, the design and placement of which have been approved by the Executive Officer.
4. FOD shall permanently dedicate the properties for public access, open space, habitat conservation, and outdoor recreation, in a manner acceptable to the Executive Officer.”

Staff further recommends that the Conservancy adopt the following findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the purposes and objectives Chapter 9 of Division 21 of the Public Resources Code (Sections 31400 *et seq.*) regarding public access to the coast.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on September 20, 2007.
3. FOD is a nonprofit organization existing under Internal Revenue Code Section 501(c)(3), and whose purposes are consistent with Division 21 of the Public Resources Code.”

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## PROJECT SUMMARY:

The proposed authorization would enable the Friends of the Dunes (“FOD”) to acquire approximately 44 acres known as the Bachofer property, and approximately nine acres known as the Watson property, located on the north spit of Humboldt Bay in the town of Manila (see Exhibit 1). The Bachofer property is located at the south end of the Ma-le’l Dunes Cooperative Management Area (“Ma-le’l Dunes CMA”) (the former Buggy Club property, acquired for public access in 2003 with Conservancy funds), and immediately north of the Humboldt Coastal Center (formerly the Stamps property, acquired for public access in 2007 with Conservancy funds to establish a coastal education and visitor center). The Watson property is located along the southern half of the east edge of the Humboldt Coastal Center property and adjacent to Highway 255.

These two acquisitions will result in a contiguous tract of approximately 1000 acres of protected dune habitat, and more than four miles of uninterrupted coastal access on the north spit, that includes in addition to Ma-le’l Dunes and Stamps, the Conservancy-funded acquisitions of the Manila Dunes Recreation Area and Celestre properties to the south of Stamps, and the Lanphere-Christiansen Dunes Unit of the US Fish and Wildlife Service (“FWS”) Humboldt Bay National Wildlife Refuge located to the north of Ma-le’l Dunes. Additionally, acquisition of the Watson property would allow FOD to reconfigure the road entrance to the Humboldt Coastal Center from its current access via a right-of-way access with an adjacent residential property, to a direct link across FOD-owned property to the Humboldt Coastal Center, thereby ensuring complete control of the Humboldt Coastal Center infrastructure.

The potential for habitat restoration/enhancement on the Bachofer property is good. The property provides habitat similar to that found on the northern half of the Stamps property and includes a

connection to freshwater dune hollows (wetland) with the Stamps property. The Watson property also will provide for some restoration potential, and would serve to create a highly visible coastal dune habitat entrance to the Humboldt Coastal Center as a “Gateway to the Dunes.”

FOD is a non-profit organization whose purpose is the acquisition, for conservation, of coastal property on the north coast of California. It is well suited to complete these acquisitions and manage the properties, as it already owns and manages the Stamps property, which lies between the Bachofer and Watson properties.

**Site Description:** The Bachofer property consists of approximately 44 acres of ocean-fronting dune with some low-lying wetland areas. The property is sandwiched between the Ma-le’l Dunes CMA and the Humboldt Coastal Center, the Pacific Ocean and Highway 255. Recreational access to the property would be via the Humboldt Coastal Center or the Ma-le’l Dunes CMA. The Watson property fronts Highway 255 on the eastern edge of the Humboldt Coastal Center.

The habitat types found on the properties include dune, some maritime forest and wetland habitat (on Bachofer). A forested dune ridge, remnant dune mat sites, beach layia and Menzies wallflower are found on the properties. Both properties are undeveloped and while Bachofer is lightly disturbed, Watson shows signs of more significant disturbance of the dunes. Exhibit 2 includes photographs of the properties.

**Project History:** The Conservancy has a long history with projects on the North Spit including extensive planning and acquisitions for access and natural resource protection.

In 1986 and 1987, the Conservancy provided funding to The Nature Conservancy to acquire what is now the FWS Lanphere-Christensen Dunes Unit (transferred to FWS with Conservancy approval in 1998) located at the northern end of the tract of protected dune properties discussed in the Project Description section.

In 1990, the Conservancy granted \$80,000 to the County of Humboldt to conduct an alternative uses study and prepare the Humboldt Beach & Dunes Management Plan with recommended planning activities. The Coastal Commission approved the preferred plan and in 1993 the County’s General Plan was amended to incorporate by adoption the Humboldt Beach & Dunes Management Plan preferred alternatives. The Conservancy approved the Humboldt Beach & Dunes Management Plan on March 20, 1995. The plan recommended public acquisition of properties on the north spit designated at NR for resource protection and public access.

In 2003, the Conservancy funded (in part with a grant from the FWS National Coastal Wetlands Conservation Grant Program) the acquisition by the Center for Natural Land Management of approximately 202 acres of dune property, that now comprises a portion of the Ma-le’l Dunes CMA, to remove it from use for off-highway vehicle recreational use. The property was subsequently transferred to the Bureau of Land Management (“BLM”) (42 acres in 2005) and FWS (160 acres in 2005) and added to contiguous land owned by each agency.

In June 2006, the Conservancy authorized funding for the acquisition by FOD of the Stamps property for public use and the possible establishment of a coastal interpretive visitor center, and preparation of pre-acquisition / pre-construction feasibility and design planning. In July 2007, the acquisition was completed and since that time, the FOD has completed its design and permitting

for construction of the Humboldt Coastal Center – Gateway to the Dunes education and visitor center.

In 2007 and early 2008, the Conservancy completed the Ma-le’l Dunes CMA Access Management Plan and prepared a mitigated negative declaration for public access improvements. In April 2008, the Conservancy approved the Access Management Plan and adopted the mitigated negative declaration, and authorized funding for the initial phase of access improvements at the Ma-le’l Dunes CMA.

Lastly, in April 2008, the Conservancy authorized funds for FOD to finalize designs and implement initial public access improvements to provide day-use coastal access at the Humboldt Coastal Center on the North Spit of Humboldt Bay. The improvements are expected to be completed in early summer 2008.

This project would continue the Conservancy’s efforts to protect, preserve, and provide public access on, the north spit of Humboldt Bay.

**PROJECT FINANCING:**

Coastal Conservancy	\$225,000
Wildlife Conservation Board	<u>\$475,000</u>
<b>Total Project Cost</b>	<b>\$700,000</b>

The Conservancy's contribution to this project is expected to come from the FY 2005/06 appropriation from the Safe Neighborhoods, Parks, Clean Water, Clean Air and Coastal Protection Bond Fund (Proposition 12) allocated for resource development projects north of the Gualala River. The proposed project is consistent with this funding source as it will result in additional public access facilities on Humboldt County coast.

At its May 2008 board meeting the Wildlife Conservation Board approved \$ 475,000 for the Bachofer and Watson acquisitions.

**CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:**

The proposed project would be undertaken pursuant to Sections 31400 *et seq.* of Division 21 of the Public Resources Code, pertaining to public access to the coast.

Public Resources Code Section 31400 states the Legislature’s intent that the Conservancy have a principal role in the implementation of a system of public accessways to and along the state’s coastline. In the proposed project, the Conservancy funding would protect a sensitive coastal dune system, and provide a connection to existing public access lands, thereby expanding on the access framework established on nearby properties on the north spit. The proposed funding authorization is thus consistent with Public Resources Code Section 31400.

Consistent with Section 31400.1, the Conservancy may provide grants to nonprofit organizations to develop lands for public access purposes. FOD will incorporate the properties into the existing network of access properties and therefore will accomplish the objectives of the section.

The proposed funding authorization is also consistent with Public Resources Code Section 31400.2, which allows the Conservancy to provide up to the total cost of the acquisition of

interests in land for the development of public accessways by any nonprofit organization, as provided in Section 31400.1. The Conservancy funding would cover a portion of the cost of acquisition, with the remaining funds expected to be secured through grants from the WCB to FOD.

The proposed funding authorization is consistent with Public Resources Code Section 31400.3, which allows the Conservancy to provide such assistance as is required to aid nonprofit organizations in establishing a system of public coastal access ways. The Conservancy funding will enable FOD to secure ownership of property for public access and incorporate it into an existing larger framework of properties used for public access (Humboldt Coastal Center, owned by FOD and Ma-le'l Dunes CMA, owned by BLM and FWS).

Under Section 31409, the Conservancy may award grants and provide assistance to nonprofit organizations to establish and expand inland trail systems that may be linked to the California Coastal Trail. The properties will be integrated into the system of public access on the north spit. In turn, through FOD's ongoing planning and coordination with other access managers, the system of trails on FOD lands may later link to the Coastal Trail.

The public interest in this project will be protected through an agreement with the nonprofit organization, consistent with Public Resources Code Section 31116(b).

#### **CONSISTENCY WITH CONSERVANCY'S STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):**

Consistent with **Goal 2, Objective C**, this project will result in opening an area that is currently closed to public use.

Consistent with **Goal 4, Objective A**, the proposed project will result in the protection of an additional 53 acres of significant coastal property.

Consistent with **Goal 5, Objective B**, the proposed project will result in the restoration and enhancement of dune habitat.

Consistent with **Goal 5, Objective C**, the proposed project will result in the creation of a contiguous tract of protected dune habitat that will provide a wildlife corridor along the coast.

Consistent with **Goal 5, Objective D**, the proposed project will result in the control or eradication of non-native invasive species that threaten important coastal habitat.

#### **CONSISTENCY WITH CONSERVANCY'S PROJECT SELECTION CRITERIA & GUIDELINES:**

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines adopted September 20, 2007, in the following respects:

##### **Required Criteria**

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.

2. **Consistency with purposes of the funding source:** See the “Project Financing” section above.
3. **Support of the public:** This project is supported for the protection of the dunes and the access it will provide. In addition to general public support, support comes from state and local public officials including Congressman Mike Thompson, Bureau of Land Management – Arcata Field office, Humboldt County Board of Supervisors, and the Redwood Region Audubon Society. (See Exhibit 3 for copies of letters of support.)
4. **Location:** The proposed project would be located within the coastal zone of Humboldt County.
5. **Need:** Each year, increasing numbers of people are drawn to the north spit of Humboldt Bay to experience the beauty and recreation offered by the dramatic coast. In order to accommodate increased visitor numbers, and ensure the visitor achieves the hoped-for experience of isolation and exploration, there is increasing need for expanded coastal access. Adding the properties to the network of public access properties on the north spit will help to satisfy that need.
6. **Greater-than-local interest:** The Humboldt Bay area is a destination for visitors from all over the world who are drawn to northern California for the mountains, redwoods, and oceans, and to Humboldt County for its atmosphere and aesthetics. Increasing the available dunes and beach access will expand the appeal of this unique area for tourism.

#### **Additional Criteria**

12. **Readiness:** The owners of each property have executed a purchase and sale agreement with FOD, and FOD is ready to proceed with the acquisitions as soon as possible.
13. **Realization of prior Conservancy goals:** This project would further implementation of the Humboldt Beach and Dunes Management Plan (HBDMP), funded by the Conservancy in 1990 and adopted by the Conservancy in 1995.

#### **CONSISTENCY WITH LOCAL COASTAL PROGRAM POLICIES:**

The proposed project would facilitate increased access opportunities as outlined in local coastal plans. The Humboldt Bay Area Plan and its supporting zoning regulations form the Local Coastal Program (LCP) for the project area. Humboldt County's LCP consists of an integrated system of Land Use Plan and Implementation Plan documents. The Humboldt County LCP policies, which address resource protection and public access issues, are extensive. The preferred planning alternatives from the Humboldt Beach and Dunes Management Plan were approved by the Coastal Commission and in 1993 the County's General Plan was amended to incorporate by adoption (into the LCP) the Humboldt Beach & Dunes Management Plan preferred alternatives. The Conservancy approved the Humboldt Beach & Dunes Management Plan on March 20, 1995.

Specifically, the LCP recommends the purchase by private parties land along the north spit that is designated as Natural Resources (“NR”); the Bachofer and Watson properties are designated NR. Therefore the proposed project is consistent with Humboldt County Local Coastal Policies.

**COMPLIANCE WITH CEQA:** This project is categorically exempt from the California

Environmental Quality Act (CEQA) pursuant to 14 California Code of Regulations (CCR) Section 15325, since it involves the transfer of an interest in land for the purpose of preserving open space and habitat.

Staff will file a Notice of Exemption upon approval of this project.